

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

TERRY G. VANN, )  
                        )  
Plaintiff,         )  
                        )      No. 3:08-CV-252  
                        )      (GUYTON)  
V.                    )  
                        )  
MICHAEL ROSS,     )  
                        )  
Defendant.         )

**ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 41].

The parties have filed a Stipulation of Judgment and Dismissal [Doc. 96], stipulating that Terry G. Vann is entitled to judgment against Michael Ross. Pursuant to the parties' agreement, the Court finds that Vann is entitled to judgment against Ross under Tennessee Code Annotated §§ 48-220-101 and 48-240-102, by reason of violation of the fiduciary duties of Ross to Assurance Title Company, Inc., and Vann as another member. Accordingly, the parties have agreed Vann is entitled to judgment against Ross in the amount of \$98,935.00, representing one-half of the excess of the funds distributed to Ross over that distributed to Vann. Ross, however, has no liability to Vann for any excess funds distributed to Tracy Riedl, who was previously dismissed as a party to this case.

Accordingly, Judgment is **ENTERED** in favor of Vann<sup>1</sup> in the amount of **\$98,935.00**.

All other claims – whether by way of Complaint, Cross Complaint, or otherwise – are hereby **DISMISSED**, and the Clerk of Court **SHALL CLOSE** this case. All parties shall bear their own costs.

**IT IS SO ORDERED.**

/s H. Bruce Guyton  
United States Magistrate Judge

ENTERED AS A JUDGMENT

s/ Debra C. Poplin  
Clerk of Court

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<sup>1</sup> The parties recognize that Maurice K. Guinn, Trustee, is the real party in interest by reason of the bankruptcy proceedings initiated on behalf of Vann.